

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,)	CIVIL NO. 07-00172 SOM LEK
)	
Plaintiff,)	DECLARATION OF LYLE S.
)	HOSODA
vs.)	
)	
DEUTSCHE BANK TRUST)	
COMPANY AMERICAS (FKA)	
BANKERS TRUST COMPANY), et)	
al.,)	
)	
Defendants.)	
_____)	

DECLARATION OF LYLE S. HOSODA

I, LYLE S. HOSODA, under penalty of perjury state as follows:

1. I am an attorney licensed to practice law before all of the State and Federal Courts in the State of Hawaii and am one of the attorneys representing the DEUTSCHE BANK TRUST COMPANY AMERICAS (FKA BANKERS TRUST COMPANY) and JP MORGAN CHASE BANK in their separate capacities and as agents for the pre and post-petition lenders of Fleming Companies, Inc. (collectively “Defendants”) in this case.

2. I submit this Declaration in support of the Defendants’ Application to Admit Andrew P. DeNatale, Esq., Jonathan E. Moskin, Esq., and F. Wade Ackerman, Esq. *Pro Hac Vice*.

3. I am informed that Andrew P. DeNatale, Esq., and Jonathan E. Moskin, Esq., of the law firm of White & Case, LLP and F. Wade Ackerman, Esq. of the law firm of Kirkland & Ellis, LLP serve as outside counsel for the Defendants and have a well-developed, longstanding relationship with these companies, and that their expertise and special knowledge is essential to the proper presentation of the case on their behalf.

4. I am an active member of the bar of this Court and am the managing attorney with the firm Lyle S. Hosoda & Associates, LLC.

5. I have reviewed and am familiar with the Local Rules of the United States District Court for the District of Hawaii, including L.R. 83.3, and I have reviewed these Rules with Andrew P. DeNatale, Esq., Jonathan E. Moskin, Esq., and F. Wade Ackerman, Esq.

6. I will remain as local defense counsel, with the authority and responsibility to act as attorney of record for all purposes for the Defendants in this matter, and I will continue to meaningfully participate in the preparation and trial of this case.

7. I shall accept service of any document required or authorized to be served upon counsel by the Federal Rules of Civil Procedure or by the Local

Rules of Practice for the United States District Court for the District of Hawaii, and such service shall be deemed proper and effective.

8. Andrew P. DeNatale, Esq., Jonathan E. Moskin, Esq., and F. Wade Ackerman, Esq. shall comply with the rules of the Local Rules of Practice for the United States District Court for the District of Hawaii, the Hawaii State Bar Association's Guidelines of Professional Courtesy and Civility, and shall pay the required assessment to the Clerk of the Court.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, June 7, 2007.

/s/ Lyle S. Hosoda
LYLE S. HOSODA